

PROB 12B
(7/93)

UNITED STATES DISTRICT COURT

FILED

for

FEB 09 2017

WESTERN DISTRICT OF TEXASCLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY KS

DEPUTY

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender***(Probation Form 49, Waiver of Hearing is Attached)*

Name of Offender: James Taylor, Jr. Case Number: SA-16-CR-00146-DAE(1)
 Name of Sentencing Judicial Officer: Honorable David A. Ezra, United States District Judge
 Date of Original Sentence: December 19, 2016
 Original Offense: Possession of a Stolen Postal Key, in violation of 18 U.S.C. §1704
 Original Sentence: Twelve (12) months and one day, followed by three (3) years supervised release
 Type of Supervision: Supervised Release Date Supervision Commenced: January 20, 2017

PREVIOUS COURT ACTION

None.

PETITIONING THE COURT

- ☐ To extend the term of supervision __ years, for a total of __ years.
☒ To modify the conditions of supervision as follows:

1. The defendant shall participate in a substance abuse treatment program and follow the rules and regulations of that program. The program may include testing and examination during and after program completion to determine if the defendant has reverted to the use of drugs. The probation officer shall supervise the participation in the program (provider, location, modality, duration, intensity, etc.). During treatment, the defendant shall abstain from the use of alcohol and any and all intoxicants. The defendant shall pay the costs of such treatment if financially able.
2. The defendant shall participate in a mental health treatment program and follow the rules and regulations of that program. The probation officer, in consultation with the treatment provider, shall supervise participation in the program (provider, location, modality, duration, intensity, etc.). The defendant shall pay the costs of such treatment if financially able.
3. The defendant shall take all mental health medications that are prescribed by the treating physician.

James Taylor, Jr.
SA-16-CR-00146-DAE(1)
February 7, 2017
Page 2

4. **The defendant shall submit his or her person, property, house, residence, vehicle, papers, computers (as defined in 18 U.S.C. § 1030(e)(1)), other electronic communications or data storage devices or media, or office, to a search conducted by a United States probation officer. Failure to submit to a search may be grounds for revocation of release. The defendant shall warn any other occupants that the premises may be subject to searches pursuant to this condition. The probation officer may conduct a search under this condition only when reasonable suspicion exists that the defendant has violated a condition of supervision and that the areas to be searched contain evidence of this violation. Any search shall be conducted at a reasonable time and in a reasonable manner.**

CAUSE

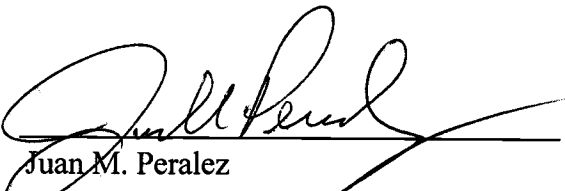
On January 20, 2017, the offender reported the office and conditions of supervision where read and signed. According to the presentence investigation report, the offender reported history of drug use, to include: cocaine and methamphetamine abuse. The offender reported he was supporting his drug habit through stolen mail. Investigative material revealed the offender was observed on video entering the mail room at an apartment complex. He accessed numerous mailbox apartment panels with a restricted key used only by the U.S. Postal Service. At the time of the arrest, the offender was found in possession of two sets of keys belonging to the U.S. Postal Service. The offender admitted to this officer to utilizing the keys to obtain citizens mail to support his drug habit.

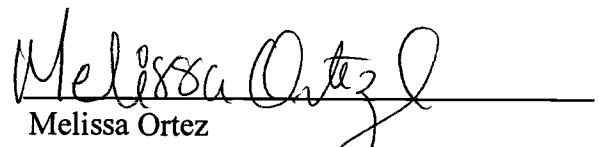
On February 1, 2017, the offender reported to the office for intake and disclosed issues with his mental health and noted he was once seeing a psychiatrist to address his ADHD in 2012. He requested to see a psychiatrist to assist with his ADHD. Additionally, he struggles with substance abuse.

The offender has signed a Probation Form 49, Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision, agreeing to mental health treatment, substance abuse treatment and search and seizure condition.

Approved:

Respectfully submitted,


Juan M. Peralez
Supervising U.S. Probation Officer
Telephone: (210) 472-6590, Ext. 5366


Melissa Ortiz
U.S. Probation Officer
Telephone: (210) 472-6590, Ext. 5377
Date: February 7, 2017

cc: Sam L. Ponder
Assistant U.S. Attorney

Marc S. Martinez
Assistant Deputy Chief U.S. Probation Officer

James Taylor, Jr.
SA-16-CR-00146-DAE(1)
February 7, 2017
Page 3

THE COURT ORDERS:

- ☐ None.
- ☐ The extension of supervision as noted above.
- ☒ The modification of conditions as noted above.
- ☐ Other _____



Honorable David A. Ezra
U.S. District Judge

Feb. 9, 2017

Date

PROB 49
(3/89)

**United States District Court
Western District of Texas**

**Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modifications of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision.

- 1. The defendant shall participate in a substance abuse treatment program and follow the rules and regulations of that program. The program may include testing and examination during and after program completion to determine if the defendant has reverted to the use of drugs. The probation officer shall supervise the participation in the program (provider, location, modality, duration, intensity, etc.). During treatment, the defendant shall abstain from the use of alcohol and any and all intoxicants. The defendant shall pay the costs of such treatment if financially able.**
- 2. The defendant shall participate in a mental health treatment program and follow the rules and regulations of that program. The probation officer, in consultation with the treatment provider, shall supervise participation in the program (provider, location, modality, duration, intensity, etc.). The defendant shall pay the costs of such treatment if financially able.**
- 3. The defendant shall take all mental health medications that are prescribed by the treating physician.**
- 4. The defendant shall submit his or her person, property, house, residence, vehicle, papers, computers (as defined in 18 U.S.C. § 1030(e)(1)), other electronic communications or data storage devices or media, or office, to a search conducted by a United States probation officer. Failure to submit to a search may be grounds for revocation of release. The defendant shall warn any other occupants that the premises may be subject to searches pursuant to this condition. The probation officer may conduct a search under this condition only when reasonable suspicion exists that the defendant has violated a condition of supervision and that the areas to be searched contain evidence of this violation. Any search shall be conducted at a reasonable time and in a reasonable manner.**

James Taylor, Jr.
SA-16-CR-00146-DAE(1)
February 3, 2017
Page 5

Witness: Melissa Oatey
U.S. Probation Officer

Signed: [Signature]
Supervised Releasee

2.01.17
Date